

IN THE DRAWINGS:

Please replace Figure 1 with Figure 1 as shown in the attached replacement sheet of such figure.

REMARKS

Claims 1-16 are pending. By this Amendment, Figure 1, the specification, the abstract and claims 1-15 are amended, and claim 16 is added. Reconsideration and allowance in view of the above amendments and following arguments are respectfully requested.

A substitute specification in accordance with 37 C.F.R. §1.125 is attached. A marked-up version is also attached. No new matter is entered. Entry of the substitute specification is respectfully requested.

The abstract was objected to. The abstract has been amended in accordance with the suggestion of the Office Action. Reconsideration and withdrawal of the objection to the abstract are respectfully requested.

The drawings were objected to. Figure 1 has been labeled as "Prior Art". A Replacement Sheet reflecting this change is attached. Reconsideration and withdrawal of the objection to the drawings are respectfully requested.

Claims 1-3 and 10-15 were rejected under 35 U.S.C. § 112, 2nd paragraph. Claims 1-15 have been amended to obviate the rejection. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 3 and 12-15 were rejected under 35 U.S.C. § 102(b) over von Danwitz (U.S. Patent 4,843,807); and claims 2, 10 and 11 were rejected under 35 U.S.C. §103(a) over von Danwitz in view of St. Germain (U.S. Patent 5,651,572). The rejections are respectfully traversed.

Claim 1 recites a sling for attaching or carrying loads comprising a tubular fabric comprising two ends. One end is formed narrower or approximately of equal size and the other end is formed broader or of equal size relative to the rest of the

tubular fabric, which is found between the ends. The two ends form a connection site wherein the narrower end is inserted into the broader end. The sling further comprises at least one seam, which connects both ends at the connection site. The connection site, for a prescribed strength, is thinner, shorter, or narrower than if the two ends were overlapped.

von Danwitz does not disclose or suggest a sling comprising a tubular fabric having two ends, one end of which is inserted into the other end at a connection site as recited in claim 1. von Danwitz discloses that the protective tube 5 is formed from two length sections 3 and 4. One end of length section 3 is inserted into an end of length section 4 at a first overlap 9, and the other end of length section 3 receives another end of length section 4 at a second overlap 9. In other words, the protective tube 5 of von Danwitz is formed of two tubular fabrics each of whose ends are correspondingly inserted and received into the other. The protective tube 5 of von Danwitz is not a tubular fabric having two ends, one of which is inserted into the other, as recited in claim 1.

Moreover, von Danwitz teaches away from the invention of claim 1. von Danwitz addresses a problem of providing a protective tube for a load bearing skein of yarn without substantially increasing the wall thickness, and cost, of the protective tube. The von Danwitz patent discloses dividing the total length of the protective tube into two preferably equal length sections before the skein of yarn is inserted. See column 2, lines 49-53. von Danwitz discloses that this division into two length sections has the advantage that the tube fabric need no longer be pushed together longitudinally, in the region of the two length sections, to a minimum of about 40%, but now only to about 80% to 90% of its initial length to be able to insert the skein of

yarn by machine in the conventional manner. This amount of pushing together is performed to increase the textile wall thickness of both fabric layers of the tube fabric without having to increase, solely for production engineering reasons, the width of the tube fabric and thus its available cross-sectional area to enable it to accommodate a skein having the same load carrying capability.

The endless sling produced according to the von Danwitz patent is distinguished by a protective tube which is not composed of a single piece of tube fabric, but rather of two tube fabric pieces placed end to end in the circumferential direction, with their ends being connected to one another. See column 2, line 53 through column 3, line 7. von Danwitz does not, however, disclose or suggest a tubular fabric having two ends, one end of which is inserted into the other.

St. Germain fails to cure the deficiencies of the von Danwitz patent. There is no disclosure or suggestion by St. Germain that the sling cover 5 includes two ends, one end of which is inserted into the other end. Therefore, even assuming it would have been obvious to combine von Danwitz and St. Germain, which Applicant does not concede, such a combination would not have included all features of Applicant's claim 1. See MPEP § 2143.

Applicant's claims 2, 3 and 10-15 recite additional features and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

Reconsideration and withdrawal of the rejections are respectfully requested.

Applicant's claims 4-9 recite additional features and are allowable for at least the same reasons discussed above with respect to claim 1, and for the additional features recited therein. Reconsideration and withdrawal of the election of species requirement, and rejoinder and allowance, of claims 4-9 are respectfully requested.

New claim 16 recites a sling for attaching or carrying loads, consisting of a tubular fabric consisting of two ends, one end being formed narrower or approximately of equal size and the other end being formed broader or of equal size relative to the rest of the tubular fabric, which is found between the ends, wherein the two ends form a connection site wherein the narrower end is inserted into the broader end, and a seam, which connects both ends at the connection site, wherein the connection site, for a prescribed strength, is thinner, shorter, or narrower than if the two ends were overlapped.

von Danwitz clearly does not anticipate or render obvious claim 16. The sling of von Danwitz includes the skein of yarn 2 in addition to the protective tube 5. It would not have been obvious to remove the skein 2 from the sling of von Danwitz as the skein 2 is the load bearing element of the sling.

St. Germain also fails to anticipate or render obvious claim 16. The protective cover 5 in the St. Germain patent includes the inner core 1 of the fiber optic strand and the bundles(s) of load lifting core yarn 7 (8), neither of which would have been obvious to omit or remove.

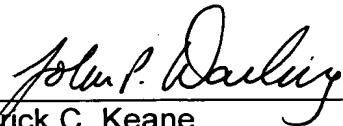
In view of the above amendments and remarks, it is respectfully submitted that all of the claims are allowable and the entire application is in condition for allowance.

Should the Examiner believe that anything further is necessary to place the application in condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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Attachments:

Replacement Sheet (Figure 1)
Substitute Specification
Marked-Up Specification